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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4429 OF 2006

Pawankumar Taleram Agarwal .. Applicant

Versus

State of Maharashtra & Anr. .. Respondent

Mr.V.P.Sawant with Hitesh Jain for applicant
Mr.P.A.Pol, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2006

P.C.

. Applicant has been arrested in connection with C.R.No.592 of 2006 alleging offences of cheating and forgery.

2. Applicant is arrested on 19th November 2006. Grievance of the applicant's Counsel Mr.Sawant is that prrior to his arrest, applicant was very much available for investigation and interrogation. He had attended the concerned police station even during the period of his detention. The investigation insofar as role of present applicant in the crime is concerned, are complete. The complainant is the officer working in the Octroi department of Pune Municipal Corporation and upon his complaint about octroi duty evasion to the tune of Rs.14 lakhs and odd that investigations commenced and arrest have been effected.

3. Mr.Sawant submits that there is no apprehension that the applicant would not be available during the course of investigation. He is permanent resident of Pune. He has firm roots in the society and would abide by all the conditions as would be imposed by this Court.

4. Learned A.P.P. states that investigations are now transferred to E.O.W., Crime Branch, Pune. The said branch is investigating the crime and the same are incomplete. The number of consignments cleared during the period from the concerned Octroi Naka, persons involved, agencies which have been responsible for evasion of octroi duty so also in preparing and presenting bogus receipts have yet to be identified. Therefore, the applicant should not be enlarged on bail.

5. In my view, the apprehension expressed insofar as applicant is concerned, can be taken care of. It is not disputed that the applicant was concerned with Harsh Octroi and Clearing Agency. Other two agencies i.e. M/s.Shanti and Dev Octroi have bank accounts which are already seized. Applicant is under arrest for the past one month. There is no apprehension that the applicant would not cooperate in the further

investigation, inasmuch as it is not denied that he was not available prior to his arrest as well. In such circumstances, following order would meet ends of justice.

i) The applicant arrested in connection with C.R.No.592 of 2006 registered with Deccan Police Station (now transferred to E.O.W. Crime Branch, Pune) shall be enlarged on bail in the sum of Rs.50,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer, E.O.W., Crime Branch, Pune twice a week on every Thursday and Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any

attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)